

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 22, 2004

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JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 22, 2004

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Vander Molen, pastor of the First Reformed Church in Orange City, Iowa. He was the guest of Senator Veenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Allison Vennerberg.

The Journal of Thursday, March 18, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2432](#), a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2441](#), a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Read first time and referred to committee on **Human Resources**.

[House File 2450](#), a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

Read first time and referred to committee on **Judiciary**.

[House File 2479](#), a bill for an act relating to the regulation and zoning of commercial canine operations.

Read first time and referred to committee on **Agriculture**.

[House File 2516](#), a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

Read first time and referred to committee on **Judiciary**.

[House File 2517](#), a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 2527](#), a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

Read first time and referred to committee on **Human Resources**.

[House File 2530](#), a bill for an act relating to the assessment of surcharges in criminal proceedings.

Read first time and referred to committee on **Judiciary**.

[House File 2532](#), a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, and providing an effective date.

Read first time and referred to committee on **State Government**.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:13 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 133](#), a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 133](#).

[Senate Resolution 133](#)

On motion of Senator Sievers, [Senate Resolution 133](#), a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series, with

report of committee recommending passage, was taken up for consideration.

Senator Sievers moved the adoption of [Senate Resolution 133](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Sievers welcomed to the Senate chamber coaches and members of the North Scott Little League team.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:19 p.m. until 4:30 p.m.

APPENDIX — 1**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Wayne Hinkley, Sioux City—For being awarded the Patrick J. Hodgins Award and for dedicated service to the Sioux City Cosmopolitan Club. Senator Warnstadt (3/22/04).

Samara Pals, Orange City—For placing third nationwide in the Veterans of Foreign Wars' "Voice of Democracy Scholarship Program." Senator Veenstra (3/22/04).

REPORTS OF COMMITTEE MEETINGS**BUSINESS AND LABOR RELATIONS**

Convened: March 22, 2004, 2:10 p.m.

Members Present: Schuerer, Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, Seymour, and Wieck.

Members Absent: Lundby, Vice Chair; and McKibben (both excused).

Committee Business: Approved the Governor's appointee.

Adjourned: 2:20 p.m.

EDUCATION

Convened: March 22, 2004, 2:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward.

Members Absent: Beall (excused).

Committee Business: Passed HF's 2418 and 2460. Approved the Governor's appointee.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: March 22, 2004, 2:40 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF's 2327, 2350, 2358, 2462, 2464, and 2506.

Adjourned: 3:40 p.m.

RULES AND ADMINISTRATION

Convened: March 22, 2004, 1:10 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 131, 132, and 133.

Adjourned: 1:15 p.m.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 131](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 132](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 133](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 2293](#)

HUMAN RESOURCES: Schuerer, Chair; Holveck and Veenstra

[House File 2208](#)

JUDICIARY: Brunkhorst, Chair; Kettering and Quirnbach

[House File 2357](#)

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Black and Kettering

[House File 2395](#)

JUDICIARY: McKibben, Chair; Gaskill and Kreiman

[House File 2419](#)

EDUCATION: Connolly, Chair; Boettger and McKinley

[House File 2432](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Drake and Miller

[House File 2433](#)

TRANSPORTATION: Zieman, Chair; Drake and Warnstadt

[House File 2450](#)

JUDICIARY: Kettering, Chair; Kreiman and McKibben

[House File 2451](#)

NATURAL RESOURCES AND ENVIRONMENT: Kibbie, Chair; Houser and Kettering

[House File 2479](#)

AGRICULTURE: Fraise, Chair; Hosch and Johnson

[House File 2506](#)

HUMAN RESOURCES: Seymour, Chair; Boettger and Ragan

[House File 2516](#)

JUDICIARY: Gaskill, Chair; Boettger and Horn

[House File 2517](#)

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Johnson and Kettering

[House File 2530](#)

JUDICIARY: Holveck, Chair; Brunkhorst and Gaskill

[House File 2533](#)

JUDICIARY: Boettger, Chair; Holveck and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [HOUSE FILE 2418](#), a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, none. Absent, 1: Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 131](#), a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 132](#), a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Lamberti announced that [House File 22](#) was assigned to the **Judiciary** committee.

AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:41 p.m. until 8:30 a.m., Tuesday, March 23, 2004.

APPENDIX — 2

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

John Peno – Employment Appeal Board

Neil Barrick – Public Employment Relations Board

Richard Running – Director of the Iowa Department of Workforce Development

Rosa Bailey – Iowa Workforce Development Board

Ken Sagar – Iowa Workforce Development Board

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: March 22, 2004, 3:45 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Beall and Redfern (both excused).

Committee Business: Passed [HF 2484](#) and approved the Governor's appointees.

Adjourned: 3:55 p.m.

INTRODUCTION OF BILL

[Senate File 2294](#), by committee on Government Oversight, a bill for an act relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILL RECEIVED

[SSB 3169](#) Appropriations

Making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

[SSB 3169](#)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: [SENATE FILE 2294 \(SSB 3074\)](#), a bill for an act relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Lundby, Brunkhorst, and Wieck. Nays, 2: Courtney and Dvorsky. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: [HOUSE FILE 2327](#), a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2350](#), a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Hatch, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Present, 2: Boettger and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2358](#), a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2462](#), a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2464](#), a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2506](#), a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5119	S.C.R.	109	John Putney
S-5120	S.R.	123	Jerry Behn